

Serial No. **10/029,279**

Docket No. **P-0280**

Amdt. dated January 17, 2006

Reply to Office Action of October 18, 2005

### **REMARKS**

By the present response, Applicant has amended claims 7, 10 and 21-23 to further clarify the invention. Claims 1-23 remain pending in the present application.

In the Office Action, claims 1, 2, 4-11, 13-15 and 21-23 have been rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 5,832,384 (Balachandran) in view of U.S. Patent No. 6,212,388 (Seo). Claims 3, 12 and 16-20 have been rejected under 35 U.S.C. § 103 (a) as being unpatentable over Balachandran in view of Seo and further in view of admitted standards.

#### **35 U.S.C. § 103 Rejections**

Claims 1, 2, 4-11, 13-15, 21-23 have been rejected under 35 U.S.C. § 103(a) as being unpatentable over Balachandran in view of Seo. Applicant respectfully traverses these rejections.

Balachandran et al. discloses a first and a second communications network where the second communications network is overlaid upon the first communications network. A number of flags and indicators are generated to determine which channel, from among a plurality of shared channels assignable to a first communications network, will be used next for communicating information by the second network. A means for generating an ordered Idle-Channel list is provided that includes each assignable channel that is not currently used by the first or second communications network.

Seo discloses increasing frequency assignment for a multiple communication unit by incorporating verification and optimization process, wherein a channel list for the newly added frequency assignment (FA) is distinguished from another channel list for the previously existing frequency assignments. When a new frequency assignment is added, an optimization process is performed where a base transceiver station generates a channel list including only the new FA and a mobile station receives the channel list including only the new FA, so that the optimization process is completed without the interference from other subscribers trying to access the new FA.

Regarding claims 1, 7, 10, 14, and 21, Applicant submits that none of the cited references, taken alone or in any proper combination, disclose suggest or render obvious the limitations in the combination of each of these claims. For example, the Examiner asserts that Balachandran et al. discloses determining whether a frequency exists on each of a CDMA channel list and an extended CDMA channel list when a service frequency of a base station is changed, at col. 7 lines 18-23. However, these portions merely disclose that a second list is a subset of the assigned channels list, and that channels currently not occupied by the first communications network to communicate information are included in the Idle Channel list (second list). This is not determining whether a frequency exists on each of a CDMA channel list and an extended CDMA channel list when a service frequency of a base station is changed, as recited in the claims of the present application. These portions of Balachandran et al. do not disclose or

suggest determining whether a frequency exists on a first list or a second list when a service frequency of a base station is changed. Further, these portions do not disclose or suggest that the Idle Channel list and the assigned channels list are a CDMA channel list and an extended CDMA channel list, as recited in the claims of the present application.

The Examiner admits that Balachandran does not disclose or suggest copying the frequency allocated to the extended CDMA channel list to the CDMA channel list if the frequency is determined not to exist on the CDMA channel list or copying a frequency allocated to the CDMA channel list to the extended CDMA channel list if the frequency is determined not to exist on the extended CDMA channel list, but asserts that Seo discloses these limitations at col. 6, lines 52-54. However, these portions of Seo merely disclose generating a combining channel list comprising of all FAs, which are presently serviceable by the BTS, including the new FA which has been optimized for whether a call transmitter is active. This is not copying a frequency allocated to an extended CDMA channel list to a CDMA channel list if the frequency is determined not to exist on the CMA channel list, or copying a frequency allocated to the CDMA channel list to the extended CDMA channel list if the frequency is determined not to exist on the extended channel list, as recited in the claims of the present application. These portions of Seo do not disclose or suggest a CDMA channel list or an extended CDMA channel list. Further, these portions do not disclose or suggest copying a frequency missing from one channel list to another channel list. These portions merely relate to combining a channel list that

includes information from all frequency assignments including a new frequency assignment so that this combined channel list can be transmitted to the mobile station.

Moreover, the Examiner admits that Balachandran does not disclose or suggest determining whether a CDMA channel list has been changed, but asserts that this limitation is disclosed in Seo at col. 3, lines 32-35. However, these portions merely disclose that the channel number for new FA in the new channel list as assigned as one of primary, secondary, or normal, and it is determined as to whether an updated information of the channel list exists or not. This is not determining whether a CDMA channel list has been changed, as recited in the claims of the present application. Further, as noted previously, the lists in Seo are not CDMA channel list.

In addition, the Examiner admits that Balachandran does not disclose or suggest transmitting a synchronization channel message on a synchronization channel in a frequency which is related to a service capability of the base station, but asserts that Seo discloses these limitations at col. 2, lines 11-16. However, these portions of Seo merely disclose that the mobile station and BTS receive/transmit voice information and data information with each other through a traffic channel, and that the forward channel consists of pilot channel, synchronous channel, paging channel and access channel, which are located in the overhead channel. These portions of Seo do not disclose or suggest a synchronization channel message, a synchronization channel or transmitting a synchronization channel message on a synchronization channel in a

frequency which is related to a service a capability of the base station, as recited in the claims of the present application.

Moreover, the Examiner admits that Balachandran et al. does not disclose or suggest transmitting a CDMA channel list in an extended CDMA channel list on a paging channel in the frequency, but asserts that Seo discloses these limitations at col. 2, lines 19-28. However, these portions merely disclose that the paging channel transmits system information, and other numerous messages in order to establish a call-setup to the mobile station which operates within the coverage area of the BTS. These portions do not disclose or suggest anything related to transmitting a CDMA channel list and an extended CDMA channel list on a paging channel, as recited in the claims of the present application. These limitations are not disclosed or suggested by Seo.

Regarding claims 2, 4-6, 8, 9, 11, 13, 15, 22 and 23, Applicant submits that these claims are dependent on one of independent claims 1, 7, 10 and 21 and 14, and, therefore, are patentable at least for the same reasons noted previously regarding these independent claims.

Accordingly, Applicant submits that none of the cited references, taken alone or in any proper combination, disclose suggest or render obvious the limitations in the combination of each of claims 1, 2, 4-11, 13-15 and 21-23 of the present application. Applicant respectfully request that these rejections be withdrawn and that these claims be allowed.

Serial No. **10/029,279**

Docket No. **P-0280**

Amdt. dated January 17, 2006

Reply to Office Action of October 18, 2005

Claims 3, 12 and 16-20 have been rejected under 35, U.S.C. § 103 (a) as being unpatentable over Balachandran in view of Seo and further in view of admitted standards. Regarding claim 17, Applicant submits that none of the cited references, taken alone or in any proper combination, disclose suggest or render obvious the limitations in the combination of this claim. For example, the Examiner admits that Balachandran et al. does not disclose or suggest at least one mobile terminal configured to receive one of the CDMA channel list and the extended CDMA channel list according to a terminal type, where the terminal type is one of a second generation terminal and a third generation terminal, or where the base station is configured to copy frequencies allocated on the CDMA channel list to the extended CDMA channel list, and to copy frequencies allocated on the extended CDMA channel list to the CDMA channel list, but asserts that Seo discloses these limitations at col. 6, lines 52-54. However, as has been noted previously, these portions of Seo do not disclose or suggest these limitations in the claims of the present application.

Regarding claims 3, 12, 16 and 18-20, Applicant submits that these claims are dependent on one of independent claims 1, 10, 14 and 17 and, therefore, are patentable at least for the same reasons noted previously regarding these independent claims.

Accordingly, Applicant submits that none of the cited references, taken alone or in any proper combination, disclose suggest or render obvious the limitations in the combination of

Serial No. **10/029,279**

Docket No. **P-0280**

Amdt. dated January 17, 2006

Reply to Office Action of October 18, 2005

each of claims 3, 12 and 16-20 of the present application. Applicant respectfully requests that these rejections be withdrawn and that these claims be allowed.

### **CONCLUSION**

In view of the foregoing Amendments and remarks, Applicant submits that claims 1-23 are now in condition for allowance. Accordingly, early allowance of such claims is respectfully requested. If the Examiner believes that any additional changes would place the application in better condition for allowance, the Examiner is invited to contact the undersigned attorney, Frederick D. Bailey, at the telephone number listed below.

Serial No. **10/029,279**

Docket No. **P-0280**

Amdt. dated January 17, 2006

Reply to Office Action of October 18, 2005

To the extent necessary, a petition for an extension of time under 37 C.F.R. 1.136 is hereby made. Please charge any shortage in fees due in connection with the filing of this, concurrent and future replies, including extension of time fees, to Deposit Account 16-0607 and please credit any excess fees to such deposit account.

Respectfully submitted,  
FLESHNER & KIM, LLP



Daniel Y.J. Kim  
Registration No. 36,186  
Frederick D. Bailey  
Registration No. 42,282

P.O. Box 221200  
Chantilly, Virginia 20153-1200  
(703) 766-3701 DYK/FDB:tlg

**Date: January 17, 2006**

**Please direct all correspondence to Customer Number 34610**